IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 29986 of 2006(T)

PETITIONER:

P.E. POULOSE, PROPRIETOR,
J.J. RICE MILLS, ANKAMALY.

BY ADV. SRI.S.RAMESH BABU.

RESPONDENTS:
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1. **THE KERALA STATE ELECTRICITY BOARD**
   REP. BY ITS SECRETARY, VYDYUTHI BHAVANAM,
   THIRUVANANTHAPURAM.

2. **THE DEPUTY CHIEF ENGINEER,**
   ELECTRICAL CIRCLE, K.S.E.B.,
   PERUMBAVOOR.

3. **THE EXECUTIVE ENGINEER,**
   ELECTRICAL DIVISION, K.S.E.B.,
   PERUMBAVOOR.

4. **THE ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL MAJOR SECTION, ANKAMALY.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.29986/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE INVOICE DTD. 19/12/2001.

EXT.P.2: COPY OF THE INVOICE DTD. 08/03/2002.

EXT.P.3: COPY OF THE PROCEEDINGS DTD. 02/11/2006.

EXT.P.4: COPY OF THE INVOICE DTD. 08/11/2006.

EXT.P.5: COPY OF THE APPEAL DTD. 18/09/2006.

EXT.P.6: COPY OF THE PROCEEDINGS DTD. 28/09/2005 OF THE UY. CHIEF ENGINEER A.P.T.S., ALUVA.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.29986 of 2006-T

Dated this the 16th day of March, 2007

JUDGMENT

The petitioner has approached this court challenging Ext.P2 bill, Ext.P3 proceedings of the Deputy Chief Engineer and Ext.P4 consequential bill. The only grievance raised by the petitioner is regarding the computation of penalty. According to him, while levying penalty, only the unrecorded consumption of electrical energy can be taken into account. In other words, after computing the average consumption of energy, the actual energy consumed should be deducted and based on the remaining units the penalty shall be worked out.

2. I heard the learned Standing Counsel for the respondents. The learned Standing Counsel agrees to reconsider the impugned orders to the extent the petitioner has raised objection as above. Accordingly, the second respondent is directed to re-hear the matter after affording an opportunity of being heard to the petitioner and compute the penalty payable by the petitioner, in accordance with law, within one month from the date of production of a copy of this judgment. Since I find considerable force in the submission of the petitioner, further recovery pursuant to the impugned orders will be

kept in abeyance for two months from today or till the second respondent passes final orders. Needless to say, reconsideration of the impugned demand need be confined to the above point raised alone.

K.BALAKRISHNAN NAIR, JUDGE.

MS